

## EXHIBIT C

## STATE OF ILLINOIS

## ILLINOIS COMMERCE COMMISSION

Powers Water Company, Inc. :  
: Application for a Certificate  
of Convenience and Necessity :  
to construct and operate a : 57843  
private water utility company :  
near the Village of Huntley, :  
County of Kane, Illinois. :

O R D E R  
and

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

By the Commission:

On November 8, 1972, Powers Water Company, Inc. (hereinafter sometimes referred to as "Petitioner") filed with the Illinois Commerce Commission its verified petition for a Certificate of Convenience and Necessity to construct and operate a private water utility near the Village of Huntley, Kane County, Illinois.

Pursuant to notice as required by law and by the rules of this Commission, hearings on the petition were held before a duly authorized examiner of the Commission at its offices in Chicago, Illinois on December 5 and 18, 1972, and on January 8 and 23, 1973. At said hearings, appearances were made on behalf of Petitioner and the Accounts and Finance Section of the Illinois Commerce Commission. At the conclusion of the hearing held on January 23, 1973, the case was marked "Heard and Taken."

The area for which Petitioner seeks a certificate is being developed by the Landings Airstrip Corporation, a Delaware Corporation. The subdivision, to be known as the Landings, would be an airport related residential community developed initially with 131 homes on lots approximately one-half acre in size. Each home will have access to and the use of a runway and landing strip that was completed during

1972. It is anticipated that development of the first 104 acres, consisting of 131 residential units, will be completed within five years. Testimony by the President of Powers Water Company, Inc. indicated that zoning has been obtained for the residential development of the 104 acres and also for the development of the landing strip on approximately 56 acres adjacent thereto.

Initial water facilities serving the subdivision will consist of a 300 gallon per minute well and hydropneumatic storage tank. The distribution system consists of 2,780 feet of 6 inch, 600 feet of 8 inch and 100 feet of 12 inch diameter cast iron water main. Sanitary sewer service for the area will be provided by individual septic systems.

Petitioner presented evidence as to proposed schedules of rates and of rules, regulations and conditions of service which it would make applicable in the territory in the event that certification of the area is granted.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) Powers Water Company, Inc., Petitioner herein, is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois with charter powers to construct, operate and maintain a water supply and distribution system and to furnish water service to the public in the State of Illinois and, as such, is a public utility within the meaning of Section 10 of Article I of "An Act concerning public utilities," as amended;
- (2) Petitioner has made application to this Commission for a Certificate of Public Convenience and Necessity to construct and operate a public water supply and distribution system in twelve (12) tracts

of land in Rutland Township, Kane County, Illinois, all of which tracts are identified and described in said application;

- (3) this Commission has jurisdiction of the parties and the subject matter of this proceeding;
- (4) pursuant to the law and rules and regulations of this Commission, proper notice has been given of the filing of the application herein and hearing thereon;
- (5) there is an immediate need and demand for public water service in parcels 1, 3, 4 and 5 of Tract 4 described in Appendix "A" hereto and there is at present no other public water system available to the public in said area which is adequate to service and meet the need and demand;
- (6) Petitioner presented no evidence of immediate need and demand for water service in Tracts 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12 and Parcel 2 of Tract 4 included in its petition for a Certificate of Public Convenience and Necessity and no Certificate should be granted for such areas at this time;
- (7) the construction, operation and maintenance of the water supply and distribution system proposed by Petitioner to serve the area described in Appendix "A" hereto and the transaction of a water utility business in said area by Petitioner will promote the public convenience and is necessary thereto; and a Certificate of Public Convenience and Necessity should be granted to Petitioner for the construction, operation and maintenance of the aforesaid water supply and distribution system and for the transaction of a public water utility business for the area described in Appendix "A" attached hereto;
- (8) prior to commencing service in the area described in Appendix "A" hereto Petitioner shall file with the Tariff Section of the Commission a schedule of rates, rules, regulations and conditions of service for water utility service applicable to said area; said rates, rules, regulations

and conditions of service applicable to the proposed area shall conform to those filed by Petitioner as an exhibit in these proceedings;

- (9) the Certificate of Public Convenience and Necessity shall be granted upon the express condition that iron removal facilities will be installed if the iron content of the water supply is found to exceed one milligram per liter (1.0 mg/l);
- (10) the Certificate of Public Convenience and Necessity should be further conditioned upon the express condition and provision that before construction can be commenced on the above facilities, Petitioner shall obtain such permit or permits from the Environmental Protection Agency as may be required by law.

IT IS THEREFORE ORDERED that, pursuant to Section 55 of "An Act concerning public utilities," as amended, a Certificate of Public Convenience and Necessity be, and the same is hereby granted to Powers Water Company, Inc. for (a) the construction, operation and maintenance of a public water supply and distribution system in the area described in Appendix "A" attached hereto and (b) the transaction of a public water utility business in connection therewith.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity herein granted shall be the following:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

IT IS HEREBY CERTIFIED that public convenience and necessity require the construction, operation and maintenance by Powers Water Company, Inc., of a public water supply and distribution system in the area described in Appendix "A" attached hereto and the transaction of a public water utility business in said area.

IT IS FURTHER ORDERED that the foregoing Certificate of Public Convenience and Necessity is granted upon the express condition and provision that authority and

permission to use the lands to be occupied by the above facilities shall be obtained from the landowners and/or public authorities as and where required by law, and that no authority has been granted authorizing the Petitioner to use eminent domain to acquire these land rights.

IT IS FURTHER ORDERED that the foregoing Certificate of Public Convenience and Necessity is granted upon the express condition and provision that before construction shall be commenced of the above facilities in any of the area described in Appendix "A" attached hereto, Petitioner shall secure such permit or permits from the Environmental Protection Agency as in the circumstances may be required by law.

IT IS FURTHER ORDERED that prior to commencing service in the area described in Appendix "A" hereto, Petitioner shall file with the Tariff Section of the Commission a schedule of rates, rules, regulations and conditions of service applicable to water service in said areas, said rates to conform to those filed by Petitioner as an exhibit during the course of these proceedings.

IT IS FURTHER ORDERED that the Certificate of Public Convenience and Necessity is granted upon the express condition that prior to commencement of service, iron removal facilities shall be provided if the iron content of the water supply exceeds one milligram per liter (1.0 mg/l).

By order of the Commission this 7th day of March, 1973.

(SIGNED) MARVIN S. LIEBERMAN

Chairman

( S E A L )

## APPENDIX A

Tract #4: PARCEL ONE: The East half of the Southwest quarter (except that part lying Northeasterly of the Southwesterly line of the right of way of the Elgin and Belvidere Electric Company); and the Southwest quarter of the Southeast quarter (except that part lying Northeasterly of the Southwesterly line of the right of way of the Elgin and Belvidere Electric Company); and that part of the Northwest quarter of the Southeast quarter lying Southwesterly of the Southwesterly line of the right of way of the Elgin and Belvidere Electric Company; and that part of the Southeast quarter of the Southeast quarter lying Southwesterly of the Southwesterly line of the right of way of the Chicago and North Western Railway Company; all in Section 3, Township 42 North, Range 7 East of the Third Principal Meridian, in the Township of Rutland, Kane County, Illinois.

PARCEL THREE: The Northwest quarter of the Northeast quarter of Section 10, Township 42 North, Range 7 East of the Third Principal Meridian, in the Township of Rutland, Kane County, Illinois.

PARCEL FOUR: The North 330 feet (except the West 1,000 feet) of the Northeast quarter of the Northwest quarter of Section 10, Township 42 North, Range 7 East of the Third Principal Meridian; in the Township of Rutland, Kane County, Illinois.

PARCEL FIVE: The East 190 feet of the West 850 feet of the North 330 feet of the Northeast quarter of the Northwest quarter of Section 10, Township 42 North, Range 7 East of the Third Principal Meridian, in the Township of Rutland, Kane County, Illinois.